

CAMBRIDGESHIRE POLICE AND CRIME PANEL	AGENDA ITEM NO. 4
11 JULY 2016	<p>PUBLIC REPORT</p> <p>The attached report contains exempt information, not for publication, as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972, 'Information relating to any individual'. The public interest in maintaining the exemption outweighs the public interest in disclosing this information.</p>

**Report of: Alison Stuart, Assistant Director Legal & Democratic Services
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REVIEW OF COMPLAINTS AGAINST THE CAMBRIDGESHIRE POLICE AND CRIME COMMISSIONER

1. PURPOSE

- 1.1 For the Sub Committee to decide whether 2 complaints should be referred to the Independent Police Complaints Commission under Regulation 13 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 as they are serious or whether they can be considered by the Sub Committee under Regulation 15 or 28 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

2. RECOMMENDATIONS

- 2.1 To refer the 2 complaints to the Independent Police Complaints Commission as they are deemed serious complaints under Regulation 13 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 or
- 2.2 To deal with the 2 complaints under the Police and Crime Commissioner Panel procedure for resolution under Regulation 15 or 28 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

3. TERMS OF REFERENCE

- 3.1 The Sub Committee must consider the 2 complaints and decide whether they are serious complaints and require referral to the Independent Police Complaints Commission or whether they can be dealt with by informal resolution.

4. BACKGROUND

- 4.1 Two complaints have been received against the Police and Crime Commissioner. Both complaints relate to alleged comments made by the Commissioner on social media in November 2009. Whilst these alleged comments were made some years ago, these complaints are considered as the Commissioner is a relevant office holder. Both complaints have been recorded in accordance with Regulation 9(5) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

- 4.2 The Chief Executive and Monitoring Officer of the Cambridgeshire Police and Crime Commissioner, who received the complaints has delegated under the Panel's Complaints Procedure, the decision as to whether the complaint is a serious complaint to the Police and Crime Panel who need to record the complaint as part of their statutory duty and thereafter refer the complaints to a sub Committee for consideration.
- 4.3 The power to consider complaints sits with the Panel who have delegated some functions to the Chief Executive. The Panel's Complaint Procedure (section 2) provides for the referral back to the Panel if the Chief Executive feels she cannot accept the delegation of the Panel's power due to a potential or perceived conflict of interest.
- 4.4 Having recorded the complaint under Regulation 9(5) a determination would then need to be made under Regulation 13 as to whether it is a serious complaint, about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence. This will be undertaken by the sub Committee in line with the Cambridgeshire Police and Crime Complaints procedure.
- 4.5 At the meeting of the Police and Crime Panel on the 29th June 2016, it was resolved that a sub Committee should be established to consider the 2 complaints and decide if they are serious or whether they can be dealt with by informal resolution.
- 4.6 Under Regulation 13(1) of the Elected Local Policing Bodies (Complaints and Misconduct Regulations 2012, it shall be the duty of a Police and Crime panel to refer a complaint to the Independent Police Complaints Commission if the Sub Committee determines that the complaint is a serious complaint.
- 4.7 Where complaints or conduct matters concerning a Police and Crime Commissioner or the Deputy Commissioner allege criminality, they must be referred to the Independent Police Complaints Commission (IPCC). Where the Independent Police Complaints Commission determines under Regulation 14(2) that it is not necessary for a complaint or conduct matter to be investigated, it shall refer the complaint or matter back to the Police and Crime panel.
- 4.8 Where the Sub Committee decide that a complaint is not serious, it can be dealt with by the Panel or Sub Committee under Regulation 15. The Panel has discretion to refuse to deal with the complaint or to take whatever approach to the complaint as it sees fit, for reasons set out in the Regulations, such as delay, anonymous complaint, injustice would be likely to be caused by the delay, the matter is already subject of a complaint, more than 12 months have elapsed between the incident or the latest incident the complaint is vexatious.
- 4.9 Informal resolution of the complaint may be carried out by the Panel, a sub Committee or a single member of the Panel.
- 4.10 The Panel or Sub Committee can ask the person complained about to provide documents or to attend before the Panel to answer questions. The Panel or Sub Committee has the power under paragraph 28 of the Regulations to ask the complainant and the person complained of to comment on the complaint.

5. KEY ISSUES

- 5.1 Whilst there is a public interest in matters involving the Police and Crime Commissioner or his Deputy, consideration of the complaints should exclude the public as the consideration of the complaints could consider information relating to an individual, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and/or information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

6. IMPLICATIONS

6.1 The Panel must have due consideration of the Provisions of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

7. BACKGROUND DOCUMENTS

7.1 Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

8. EXEMPT APPENDICES

8.1 Two complaints

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